

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

09 DEC -1 PM 4:01

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

<p>JEANNE CHAMBERS,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>BANK OF AMERICA, N.A.,</p> <p style="text-align: center;">Defendant.</p>	<p>CIVIL ACTION NO.</p> <p>1:09-cv-1480SEB-TAB</p> <p>COMPLAINT AND DEMAND FOR JURY TRIAL</p>
---	--

COMPLAINT

I. INTRODUCTION

1. This is an action brought by Plaintiff Jeanne Chambers to recover actual damages, punitive damages, costs of the action, a reasonable attorney's fee and all other damages allowed by law from Defendant Bank of America, N.A. for violation of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681-1681x and for credit defamation.

II. JURISDICTION

2. Jurisdiction of this court arises under 28 U.S.C. §§ 1331, 1337(a), 1343(a)(4), and under the doctrine of supplemental jurisdiction as set forth in 28 U.S.C. § 1367.

III. PLAINTIFF

3. Plaintiff Jeanne Chambers is a natural person residing in Indianapolis, Indiana.

IV. DEFENDANT

4. Defendant Bank of America, N.A. is a foreign for-profit financial institution with its principle place of business in Charlotte, North Carolina; at all times relevant herein Defendant Bank of America, N.A. was a user and furnisher of credit information.

V. STATEMENT OF FACTS

5. Plaintiff Jeanne Chambers was married to Marvin Chambers on 1993.

6. Marvin Chambers entered into a contractual agreement with Defendant or its predecessor sometime prior to 2007 (believed to be in 1995) for a credit card with account # *****6213.
7. Plaintiff Jeanne Chambers neither has nor had any ownership interest in account # *****6213.
8. Marvin Chambers passed away in January 2007.
9. Plaintiff Jeanne Chambers informed Defendant Bank of America, N.A. orally and in writing that Marvin Chambers had passed away.
10. In response to this information, Defendant Bank of America, N.A. changed the name on the billing invoices to Plaintiff Jeanne Chambers' name and began mailing the billing invoices to her, making numerous collection calls to her telling her that she owed it and harassing her to pay the alleged debt which she had no obligation to pay.
11. Thereafter Defendant Bank of America N.A. began reporting account # *****6213 in Plaintiff Jeanne Chambers' name to the national credit reporting agencies, knowing that it would be inserted into her credit file.
12. Defendant Bank of America, N.A. obtained Plaintiff Jeanne Chambers' consumer report without a permissible purpose.
13. Plaintiff Jeanne Chambers disputed the presence of account # *****6213 on her consumer report to the national credit reporting agencies, who then notified Defendant Bank of America, N.A. of the dispute.
14. Defendant Bank of America, N.A. failed to conduct a reasonable investigation of Plaintiff Jeanne Chambers' dispute(s).

VI. CLAIMS FOR RELIEF

A. Fair Credit Reporting Act

15. Plaintiff repeats, re-alleges and incorporates by reference paragraphs one through fourteen above.
16. Defendant Bank of America, N.A. violated § 1681b(f) of the Fair Credit Reporting Act by obtaining Plaintiff Jeanne Chambers' consumer report without a permissible purpose.
17. Defendant Bank of America, N.A. violated § 1681s-2(b)(1)(A) of the Fair Credit Reporting Act by failing to conduct a reasonable investigation of a dispute by Plaintiff Jeanne Chambers that was communicated by one or more credit reporting agencies to Defendant Bank of America, N.A.

18. The foregoing violations were willful and malicious.
19. As a result of the foregoing violations, Plaintiff Jeanne Chambers suffered damages that may include, but are not limited to, the following:
 - a. Denial of credit;
 - b. Worse terms of credit;
 - c. A chilling effect on applying for new credit;
 - d. Embarrassment, humiliation and shame; and
 - e. Stress, worry, anxiety and the resulting physical manifestations thereof.

B. Common Law Defamation

20. Plaintiff repeats, re-alleges and incorporates by reference paragraphs one through fourteen above.
21. Defendant Bank of America, N.A. furnished information it knew to be false to the national credit reporting agencies, knowing that it would be disseminated to potential creditors of Plaintiff Jeanne Chambers and others, with malice and/or a willful intent to injure Plaintiff Jeanne Chambers.
22. Defendant Bank of America, N.A. defamed Plaintiff Jeanne Chambers.
23. As a result of the defamation, Plaintiff Jeanne Chambers suffered damages that may include, but are not limited to, the following:
 - a. Denial of credit;
 - b. Worse terms of credit;
 - c. A chilling effect on applying for new credit;
 - d. Embarrassment, humiliation and shame; and
 - e. Stress, worry, anxiety and the resulting physical manifestations thereof.

WHEREFORE, Plaintiff Jeanne Chambers respectfully requests that the Court enter judgment in her favor and against Defendant in an amount that will compensate her for her actual damages, punitive damages, costs of the action, a reasonable attorney's fee and all other relief to which she is entitled.

Respectfully submitted,


A handwritten signature in black ink, appearing to read "Robert E. Duff", written over a horizontal line.

Robert E. Duff, Atty No. 16392-06
Indiana Consumer Law Group/
The Law Office of Robert E. Duff
310 N. Lebanon St.
Lebanon, IN 46052
800-817-0461
robert@robertdufflaw.com

JURY DEMAND

Plaintiff requests a trial by jury.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert E. Duff", written over a horizontal line.

Robert E. Duff, Atty No. 16392-06
Indiana Consumer Law Group/
The Law Office of Robert E. Duff
310 N. Lebanon St.
Lebanon, IN 46052
800-817-0461
robert@robertdufflaw.com